

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN,
and CASSIDY WOOD,

Plaintiffs,

-against-

TRUSTEES OF CANISIUS COLLEGE,

Defendants.

**DECLARATION OF
THOMAS S. D'ANTONIO**

Case No. 1:22-cv-00381-CCR

Thomas S. D'Antonio, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that:

1. I am an attorney admitted to practice before this Court and am a partner in the law firm of Hodgson Russ LLP, attorneys for defendant Canisius University. As such, I have personal knowledge of the facts and prior proceedings in this lawsuit.

2. I make this Declaration in support of defendant's Fed. R. Civ. P. 56 motion for summary judgment. This Declaration attaches true and correct copies of deposition transcripts and documents authenticated through those depositions.

3. Attached as Exhibit 1 is the transcript of the deposition of plaintiff Sierra Boucher.

4. Attached as Exhibit 2 is the transcript of the deposition of plaintiff Lily Engebrecht.

5. Attached as Exhibit 3 is the transcript of the deposition of plaintiff Natassia Tuhovak.

6. Attached as Exhibit 4 is the transcript of the deposition of plaintiff Hannah Whelan.

7. Attached as Exhibit 5 is the transcript of the deposition of plaintiff Cassidy Wood.

8. Attached as Exhibit 6 is the transcript of the deposition of Linda Walleshauser.

9. Attached as Exhibit 7 is the transcript of the deposition of Dr. Margaret McCarthy.
10. Attached as Exhibit 8 is the transcript of the deposition of Dr. Susan Margulis.
11. Attached as Exhibit 9 is the transcript of the deposition of Dr. Malini Suchak.
12. Attached as Exhibit 10 is the transcript of the deposition of Dr. Joshua Russell.
13. Attached as Exhibit 11 is the transcript of the deposition of Dr. Elizabeth Hogan.
14. Attached as Exhibit 12 is the transcript of the deposition of Student 3.
15. Attached as Exhibit 13 is the transcript of the deposition of Dr. Tanya Loughhead.
16. Attached as Exhibit 14 and marked as deposition exhibit 23 is a February 14, 2019 email from Linda Walleshauser to Dr. Elizabeth Hogan.
17. Attached as Exhibit 15 and marked as deposition exhibit 48 is a February 21, 2019 email from Dr. Susan Margulis to the students enrolled in Dr. Michael Noonan's Social Organization of Mammals course.
18. Attached as Exhibit 16 and marked as deposition exhibit 49 is a February 21, 2019 email from Dr. Susan Margulis to the Project Tiger students.
19. Attached as Exhibit 17 and marked as deposition exhibit 50 is a February 21, 2019 email from Dr. Susan Margulis to Dr. Noonan's research students.
20. Attached as Exhibit 18 and marked as deposition exhibit 53 is a February 28, 2019 email from Dr. Susan Margulis to the Project Tiger students.
21. Attached as Exhibit 19 and marked as deposition exhibit 54 is a March 5, 2019 email from Dr. Susan Margulis to the Project Tiger students.
22. Attached as Exhibit 20 and marked as deposition exhibit AG is a set of February 21 and 22, 2019 emails between plaintiff Cassidy Wood and Professor Miranda Workman.

23. Attached as Exhibit 21 and marked as deposition exhibit BK is a set of May 14, 2019 emails between plaintiff Sierra Boucher and Dr. Margaret McCarthy.

24. Attached as Exhibit 22 and marked as deposition exhibit BL is a July 15, 2019 email from Dr. Susan Margulis to plaintiff Sierra Boucher.

25. Attached as Exhibit 23 and marked as deposition exhibit 37 is a March 13, 2018 calendar appointment for a meeting between Dr. Susan Margulis and plaintiff Natassia Tuhovak.

26. Attached as Exhibit 24 and marked as deposition exhibit BQ is a set of October 21 and 22, 2020 emails between Dr. Susan Margulis and plaintiff Sierra Boucher.

27. Attached as Exhibit 25 and marked as deposition exhibit BR is a set of letters of recommendation prepared by Dr. Malini Suchak for plaintiff Sierra Boucher in 2022.

28. Attached as Exhibit 26 and marked as deposition exhibit 9 is a set of November 6 and 7, 2019 emails between Dr. Joshua Russell and plaintiff Lily Engebrecht.

29. Attached as Exhibit 27 and marked as deposition exhibit L is a set of February 9 and 10, 2020 emails between Dr. Malini Suchak and plaintiff Lily Engebrecht.

30. Attached as Exhibit 28 and marked as deposition exhibit 28 is a research paper co-authored by Dr. Malini Suchak and plaintiff Lily Engebrecht.

31. Attached as Exhibit 29 and marked as deposition exhibit O is a Facebook post by plaintiff Lily Engebrecht.

32. Attached as Exhibit 30 and marked as deposition exhibit BY is a set of April 13 and 14, 2022 emails between Dr. Malini Suchak and plaintiff Natassia Tuhovak.

33. Attached as Exhibit 31 and marked as deposition exhibit AH is a set of March 2020 emails between Dr. Joshua Russell and plaintiff Cassidy Wood.

34. Attached as Exhibit 32 and marked as deposition exhibit AI is a Facebook post by plaintiff Cassidy Wood.

35. Attached as Exhibit 33 and marked as deposition exhibit AK is a June 14, 2021 email from plaintiff Cassidy Wood to Dr. Susan Margulis.

36. Attached as Exhibit 34 and marked as deposition exhibit X is Canisius College's Undergraduate Catalog for the 2018-2019 academic year.

37. Attached as Exhibit 35 and marked as deposition exhibit Z is a set of text messages exchanged between the Project Tiger students on February 15, 2019.

38. Attached as Exhibit 36 and marked as deposition exhibit BM is plaintiff Sierra Boucher's resume.

39. Attached as Exhibit 37 and marked as deposition exhibit 83 is Dr. Noonan's Fall 2018 student course evaluations.

40. Attached as Exhibit 38 and marked as deposition exhibit 38 is the declaration of Student 2.

41. Attached as Exhibit 39 and marked as deposition exhibit 40 is the declaration of Dr. Paul Waldau.

42. Attached as Exhibit 40 and marked as deposition exhibit 56 is the College's Intellectual Property Rights and Ownership Policy.

43. Attached as Exhibit 41 are plaintiffs' academic transcripts.

44. Attached as Exhibit 42 are emails from January 2020 and January 2021 between Dr. Margulis and plaintiff Sierra Boucher.

45. Attached as Exhibit 43 are letters of recommendation prepared by Dr. Robin Foster in support of plaintiff Sierra Boucher from 2021, 2022, and 2023.

46. Attached as Exhibit 44 is a set of January 21, 2020 emails between Dr. Malini Suchak and plaintiff Natassia Tuhovak.

47. Attached as Exhibit 45 is a set of February 20 and 21, 2019 emails between Dr. Joshua Russell and plaintiff Cassidy Wood.¹

Dated: December 16, 2024

/s/ Thomas S. D'Antonio

Thomas S. D'Antonio

¹ Additional exhibits will be introduced through the accompanying Declaration of Linda Walleshauser. For ease of review, the exhibits introduced by Ms. Walleshauser will begin with Exhibit 46 and conclude with Exhibit 63.